

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TYLER STANLEY,

Plaintiff,

v.

JOHN KIND,

Defendant.

OPINION AND ORDER

19-cv-132-slc

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*Pro se* plaintiff Tyler Stanley, who currently is incarcerated at Green Bay Correctional Institution (GBCI), is proceeding in this lawsuit against defendant John Kind for ignoring Stanley's reports that he was being threatened with physical harm. Defendant Kind filed a motion for summary judgment on the ground that Stanley failed to exhaust his administrative remedies with respect to this claim. (Dkt. 38.) Stanley concedes that he did not exhaust his administrative remedies and asks to withdraw this case, so I am granting defendant's motion and dismissing this case without prejudice. *Ford v. Johnson*, 362 F.3d 395, 401 (7th Cir. 2004) (dismissal for failure to exhaust is always without prejudice).

ORDER

IT IS ORDERED that:

- 1) Defendant's motion for summary judgment for failure to exhaust administrative remedies (dkt. 38) is GRANTED.
- 2) Plaintiff's claim is DISMISSED without prejudice.
- 3) The clerk of court is directed to enter judgment and close this case.

Entered this 11<sup>th</sup> day of October, 2019.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge